

CHAPTER NO. 575

SENATE BILL NO. 3459

By Crutchfield, Ford, Trail, Dixon

Substituted for: House Bill No. 3536

By McMillan, Bowers

AN ACT to amend Tennessee Code Annotated, Section 63-1-117, relative to access to medical records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-1-117(a)(1)(B), is amended by deleting that subsection in its entirety and substituting instead the following language:

(a)(1)(B) Notwithstanding the provisions of Tennessee Code Annotated, Sections 63-2-101(b), 68-11-1502 and 68-11-1503, and regardless of any express or implied contracts, agreements or covenants of confidentiality based upon those sections, the records of all health care providers shall be made available for inspection and copying upon presentation of an authorization for release signed by the patient or his or her legal representative, or without an authorization for release when a written request that meets each of the following three (3) requirements is made:

SECTION 2. Tennessee Code Annotated, Section 63-1-117(a)(1)(B)(iii)(a), is amended by deleting that subsection in its entirety and substituting instead the following language:

(a)(1)(B)(iii)(a) The request is accompanied by a statement signed by an authorized designee acting as an independent reviewer that affirms, after review of the necessary information, that the request is made in good faith in response to or in aid of a verified complaint or required survey or inspection that requires production of the records for their resolution. The designee shall be a member of the profession who has a license that is unencumbered by disciplinary action and who shall be designated by the board, council or committee regulating the health care provider whose records are requested.

SECTION 3. Tennessee Code Annotated, Section 63-1-117, is amended by deleting subsection (a)(1)(C) in its entirety and substituting instead the following:

(C) This section shall not apply to records that are made statutorily privileged which shall require for their production a release that specifically identifies the privilege, contains a statement that the privilege is waived, and that is signed by the patient or his or her legal representative.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 15, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of April 2004


PHIL BREDESEN, GOVERNOR